

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, :
 :
Plaintiff, :
 :
-vs- : CASE NO. 2:11-CR-010(1)
 :
SEAN D. MURPHY, : JUDGE SMITH
 :
Defendant. :

MOTION TO RENEW MOTION TO AUTHORIZE
FUNDS FOR A DEFENSE INVESTIGATOR

On April 20, 2011, Sean D. Murphy filed a Motion to Authorize Funds for a Defense Investigator up to \$5,000. The purpose was to locate and collect documents and interview certain witnesses critical to the defense of the case.

After the Government responded, in an Opinion and Order dated 5/11/2011, this Court conditionally denied the Motion essentially stating that all discovery materials were available for Defendant's review and the Defendant had not set forth in sufficient detail the specific reasons why the Motion should be granted. (Opinion and Order; Doc. No. 62, at pp. 3-4).

After reviewing the available discovery in this case, which is voluminous, and several discussions with the client, it is apparent that an Investigator is needed to assist both the Defendant and counsel for trial preparation, and for the trial itself.

As an example, when the Government states that all discovery has been provided, Mr. Murphy is filing simultaneously with this Motion, a request for supplemental discovery.

He is requesting certain 302 FBI Reports, specific exculpatory evidence, entry and exit logs for certain bins, information related to a Co-Defendant, and the specific list of witnesses.

Mr. Murphy is cognizant of the fact that under discovery rules the list of witnesses is technically not mandatory, but it only stresses the fact that if the Government refuses to release the specific list of witnesses then constitutionally, it is crucial that funds for a Defense Investigator be granted so that witnesses that Mr. Murphy believes could be witnesses can be interviewed by the appropriate Investigator.

Separate from that, there is a Motion, again, being filed simultaneously with this current Motion that requests the medical records for David Nassor, an alleged unindicted Co-Conspirator.

This Motion is also necessary because of the manner in which the Delaware County Sheriff is treating Mr. Murphy when he requests law library time.

Again, in a simultaneously Motion, there are attachments that show that the officials in Delaware County are specifically denying him any access to a Law Library.

Finally, this is an exceptionally complex case that involves alleged activity in the East Coast, in the South, and documents that arose outside of the continental United States.

If trial counsel is required to perform the necessary investigative work on his own, it will cost the Government more money to pay the higher attorney fees, rather than the much cheaper investigator's rate.

For the above reasons, Mr. Murphy requests that the above Motion through this renewal be granted and that a Defense Investigator be allowed up to \$5,000 in funds.

Respectfully submitted,

s/David J. Graeff
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Sean Murphy

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was delivered to Salvador A. Dominguez, Assistant United States Attorney. 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215, this 14th day of July, 2011.

s/David J. Graeff
David J. Graeff #0020647
Trial Counsel for Defendant
Sean Murphy